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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,623	12/30/2003	Ingo Zenz	6570P019	8235

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EXAMINER	
MADAMBA, GLENFORD J	
ART UNIT	PAPER NUMBER
2151	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/749,623	ZENZ ET AL.	
	Examiner	Art Unit	
	Glenford Madamba	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *02/26/08 (pg. 1 of 2 Only)*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to Claim Amendments and remarks filed by Applicant's representative on February 26, 2008.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 26, 2008 has been entered.

Response to Amendments and Remarks

1. With respect to Applicant's latest submission, Applicant's arguments / claim amendments filed February 26, 2008 have been fully considered but are now considered moot in light of the new grounds of rejection provided below for the current set of pending claims.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novaes et al (hereinafter Noaves), U.S. Patent 6,973,473 B1 in view of Behman et al (hereinafter Behman), US Patent 7,251,662 and in further view of Wolff, U.S. Patent 6,886,035 B2.

As per Claims 1, 8, 15 and 16, Novaes in view of Behman and in further view of Wolff discloses a method for starting a group of enterprise servers belonging to cluster of enterprise servers, the method comprising:

receiving, in an enterprise server (e.g., Nodes 206) [Fig.2] in a group of enterprise servers, the group belonging to a cluster of enterprise servers (e.g., Cluster A 202 / Cluster B 204) [Fig. 2] [col 4, L30-39], the cluster having a central database (e.g., Global Storage 1106) [Fig. 11] (e.g., Global Configuration for Cluster A / B Storage 1710) [Fig. 17]accessible to the group of enterprise servers (e.g. Cluster Configuration Database) [col 5, L28], a notification (Behman: e.g., Trigger { } Function “Alert” Signal /

Message) [col 16, L4-12] that binaries and/or configuration settings related to the cluster and stored within the central database have been modified (Behman: e.g., "Changes" to a Registry, wherein the file-based registries may be Binary or text-based) [Abstract] [col 16, L4-12] [Figs. 1, 2 & 3] (e.g., "Developers may also be concerned that other active processes that rely upon the registry being manipulated (or 'modified) receive adequate '*notice'* of any changes.") [col 1, L36-62];

comparing binaries and/or configuration settings stored within a local file system (e.g., "File System") [col 9, L62-63] of each enterprise server with the modified binaries and/or configuration settings related to the cluster and stored within a central database accessible to the group of enterprise servers (e.g., "comparing" original identifier with local identifier and/or local identifier with Global identifier) [col 14, L30-50] to identify any binaries and/or configuration settings stored within the local file system which are *out-of-date* as compared to the binaries and/or configuration settings related to the cluster and stored within the central database (e.g. local cluster configuration is "out of date" or "out of sequence data") [col 7, L9-36];

if the binaries and/or configuration settings stored within the local file system are out-of-date as compared to the modified binaries and/or configuration settings related to the cluster and stored within the central database, then updating the modified binaries and/or configuration settings from the central database to the local file system prior to starting each enterprise server in the group of enterprise servers [Wolff: Fig. 9]; and

starting each enterprise server in the group of enterprise servers using the updated binaries and/or configuration settings stored within the local file system (e.g.,

via "Distributed Configuration Manager Daemon {DCMD} which is the 'bootstrapping agent' of the cluster" and "responsible for 'starting' other cluster components with the appropriate cluster configuration") [col 5, L46-60] (e.g., Cluster Bootstrap Process / Technique) [col 8, L44-50] [Fig. 8].

With regards to the claim, while Noaves discloses substantial features of the invention as above, the additionally recited features of receiving a 'notification' that binaries and/or configuration settings related to the cluster and stored within the central database have been modified is more expressly disclosed by Behman in a related endeavor.

Behman discloses as his invention a system and method for manipulating registries on a computer system, wherein the registries may be classified as file-based and proprietary, and wherein the file-based registries may be binary or text-based [Abstract]. Specifically, Behman discloses the additionally recited features of receiving a 'notification' (Behman: e.g., Trigger { } Function "Alert" Signal / Message) [col 16, L4-12] that binaries and/or configuration settings related to the cluster and stored within the central database have been modified (Behman: e.g., "Changes" to a Registry, wherein the file-based registries may be Binary or text-based) [Abstract] [col 16, L4-12] [Figs. 1, 2 & 3] (e.g., "Developers may also be concerned that other active processes that rely upon the registry being manipulated (or 'modified) receive adequate '*notice*' of any changes.") [col 1, L36-62].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify Noave's invention with the above additionally recited features, as disclosed by Behman, for the motivation of advantageously providing a set of generic tools for developers to use in accessing and manipulating registries of all types to reduce the time and effort expended in creating computer programs that interact with multiple registries [Behman: col 1, L65 - col 2, L2].

Further, with regards to the claim, while the combination of Noaves and Behman discloses substantial features of the invention as above, the additionally recited feature of updating the modified binaries and/or configuration settings from the central database to the local file system prior to starting each enterprise server in the group of enterprise servers, if the binaries and/or configuration settings stored within the local file system are out-of-date as compared to the modified binaries and/or configuration settings related to the cluster and stored within the central database, is more expressly disclosed by Wolff in a related endeavor.

Wolff discloses as his invention a method of load rebalancing by clients in a network [Abstract]. Specifically, Wolff discloses the additionally recited features of of updating the modified binaries and/or configuration settings from the central database to the local file system prior to starting each enterprise server in the group of enterprise servers, if the binaries and/or configuration settings stored within the local file system are out-of-date as compared to the modified binaries and/or configuration settings related to the cluster and stored within the central database [Wolff: Fig. 9].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Noaves and Behman with the above additionally recited features, as disclosed by Wolff, for the motivation of advantageously providing an improved system and method for distributed processing over a network [Wolf: col 2, L22-28].

Claims 8, 15 and 16 recite the same features as claim 1 as a whole or in part, are distinguished only by their statutory category, and thus rejected on the same basis.

As per Claims 2 and 9, Noaves discloses the method as in claim 1 further comprising:

generating a list of servers (e.g., "list of nodes") [col 7, L44] within the group to be started based on server layout information retrieved from the central database, the server layout information uniquely identifying each server in the group and/or parameters associated with each server in the group (e.g., local cluster configuration containing bootstrapping information such as node name and number) [col 7, L37-50].

Claim 9 recites the same features as claim 2, in addition to the recited feature of a node / group bootstrap logic, which is also disclosed by Noaves, as above. Claim 9 is thus distinguished only by their statutory category, and rejected on the same basis.

As per Claims 3, 10 and 17, Novaes in view of Behman and in further view of Wolff discloses the method as in claim 2 wherein said layout information is defined by a configuration hierarchy stored within a hierarchical data object in the central database.

With regards to the claim, while the combination of Noaves and/or Behman discloses substantial features of the invention as in claim 2 above, the additionally recited feature of the method wherein said layout information is defined by a configuration hierarchy stored within a hierarchical data object in the central database, is more expressly disclosed by Wolff in a related endeavor.

Wolff discloses as his invention a method of load rebalancing by clients in a network [Abstract]. Specifically, Wolff discloses the additionally recited feature of the method wherein said layout information is defined by a configuration hierarchy stored within a hierarchical data object in the central database [Wolff: Figs. 5a, 5d, 6, and 7a-d].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Noaves and Behman with the above additionally recited features, as disclosed by Wolff, for the motivation of advantageously providing an improved system and method for distributed processing over a network [Wolf: col 2, L22-28].

Claims 10 and 17 recite the same features as claim 3, are distinguished only by their statutory category, and thus rejected on the same basis.

As per Claims 4, 11 and 18, Noaves discloses the method as in claim 3, wherein the hierarchical data object comprises a global sub-hierarchy and a non-global sub-hierarchy, the global sub-hierarchy containing configuration data and binaries associated with all of the server nodes in the cluster, and the non-global sub-hierarchy containing the layout information, configuration data and binaries associated with particular server nodes in the cluster (e.g., Local Configuration Data for Cluster A / B and/or Global Configuration Data for Cluster A / B) [Fig. 17].

Claims 11 and 18 recite the same features as claim 4, are distinguished only by their statutory category, and thus rejected on the same basis.

As per Claims 5, 12 and 19, Noaves discloses the method as in claim 1 wherein the group of enterprise servers comprises an instance of enterprise servers (e.g. 'instance of the operating system in a distributed cluster system') [col 14, L1-12].

Claims 12 and 19 recite the same features as claim 5, are distinguished only by their statutory category, and thus rejected on the same basis.

As per Claims 6, 13 and 20, Berg in view of Pace discloses the method as in claim 5 wherein the instance of enterprise servers comprises at least one dispatcher and two or more server nodes [Pace: Figs. 9 & 10].

Claims 13 and 20 recite the same features as claim 6, is distinguished only by their statutory category, and thus rejected on the same basis.

3. Claims 7, 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novaes et al (hereinafter Noaves), U.S. Patent 6,973,473 B1 in view of Behman et al (hereinafter Behman), US Patent 7,251,662 in view of Wolff, U.S. Patent 6,886,035 B2 and in further view of Tseng et al (hereinafter Tseng), U.S. Patent Publication 2006/0106590 A!.

As per Claims 7, 14 and 21, Novaes in view of Behman in view of Wolff and in further view of Tseng discloses the method as in claim 1 wherein the servers within the group comprise Java 2 Enterprise Edition ("J2EE") servers.

With regards to the claim, while the combination of Noaves, Behman and Wolff discloses substantial features of the invention as in claim 1 above, the additionally recited features of the method wherein the servers within the group comprise Java 2 Enterprise Edition ("J2EE") servers is more expressly disclosed by Tseng in a related endeavor.

Tseng discloses as his invention a computing services discovery system and method for detecting and discovering properties of deployed computing services in an existing computing system [Abstract]. Specifically, Tseng discloses the additionally recited features of receiving the method wherein the servers within the group comprise

Java 2 Enterprise Edition ("J2EE") servers (Tseng: e.g., System / Service Clusters and Enterprise Servers)[Tseng: 0034-0038] (e.g., J2EE) [0099].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Noaves, Behman and Wolff with the above additionally recited features, as disclosed by Tseng, for the motivation of advantageously providing a computing services discovery system and method for detecting and discovering properties of deployed computing services in an existing computing system [Tseng: 0012].

Claims 14 and 21 recite the same features as claim 7, are distinguished only by their statutory category, and thus rejected on the same basis.

Conclusion

1. The Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenford Madamba whose telephone number is 571-272-7989. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Wallace Martin can be reached on 571-272-3440. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Glenford Madamba
Examiner
Art Unit 2151

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151